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REMARKS

Claims 1, 17, 19 and 20 are currently amended. Claims 2-16, 18 and 21-37 are original.
Claims 38-44 have been cancelled.

The Examiner rejected claims 1-3, 6-14, 16-19, 26-28, 33 and 35-44 under 35 USC 102(b) as being anticipated by Heron et al., US Design Patent 295,011. The Examiner also rejected claims 4, 5, 15, 20-25, 29-32 and 34 under 35 USC 103(a) as being unpatentable under Herron et al.

Claim 1, and hence all other claims depending thereon, contains the following limitation:

"(...) - said body bottom surface being provided with a substantially concave indentation defining an indentation surface located intermediate said encircable section and said body forward end for contacting at least a portion of one of said finger lateral surfaces of said index finger with the latter in substantially perpendicular relationship with said body longitudinal axis;

- said indentation surface having a substantially arcuate cross-sectional configuration defining an indentation first end located substantially adjacent said encircable section and an indentation second end located substantially adjacent to said body forward end, said indentation second end defining an indentation end point; said body defining a cross-sectional first reference plane extending in a substantially perpendicular relationship with said body longitudinal axis and intercepting said indentation end point, said indentation surface being configured and sized so that at least a section of said

indentation surface is positioned forwardly relative to said first reference plane (...)"
(emphasis added)

The Applicant respectfully submits that this limitation is not disclosed by Heron. Indeed, Heron describes a knife including an indentation for receiving an index finger thereinto. However, if a plane similar to the claimed reference plane were defined in Heron, this plane would be placed in front of the indentation as the indentation shown in Heron does not curve back longitudinally towards the rear of the knife illustrated thereinto. Accordingly, the Applicant respectfully submits that amended claim 1 is not taught by Heron.

Furthermore, the Applicant respectfully submits that the claimed invention is also not obvious in view of Heron. Indeed, the claimed invention has functional advantages with respect to the cited art and is not a trivial variation in design. More specifically, as mentioned at numerous places in the specification, in addition to serving as a guard to prevent a finger from moving, the claimed indentation produces a synergetic effect between the shape of the indentation and the orientation and positioning of the indentation that

- allows for gripping the handle through a combination of power and precision grips, hence allowing for a firm grip to be obtained without sacrificing on precision and accuracy (see for example page 12, 1st paragraph);
- corresponds to the normal physiological alignment of the digits when the latter are flexed separately at the metacarpophalangeal and proximal interphalangeal joints so that their respective axes physiologically converge towards the scaphoid tubercle; also, the configuration of an encirclable section of the claimed handle allows the digits to be ergonomically wrapped, at least partially therearound; furthermore by

having the digits urge the encircable portion against the palm of the hand of the user, the benefits of a power grip including strength and force are provided. Yet furthermore, by allowing the index and thumb fingers to be in opposition relative to each other, benefits of a pinch grip, including precision and accuracy are also provided. Yet furthermore, the configuration of the claimed handle is such that all of the fingers as well as the palm are provided with optimized contact surfaces so as to reduce the need for a strong gripping force to be applied and so as to distribute the stress on a larger contact surface hence reducing the pressure on the pressure points (see for example page 28).

Accordingly, the Applicant respectfully submits that the claimed invention is not obvious in view of Heron.

In view of the above, the applicant respectfully requests that the rejection of claim 1 in view of Heron be withdrawn, along with the rejection of claims 2-37 that depend directly or indirectly thereon.

The Applicant has also filed an IDS disclosing four documents, namely US Des. Pat. 414,989, hereinafter Shamoon, US Des. Pat. 257,686, hereinafter Silva, US Patent 6,701,624, hereinafter White, and US Patent 6,460,255, hereinafter Dassaud. The Applicant respectfully submits that the claimed invention patentably distinguishes over these documents.

Claim 1 includes the following limitation:

"- said encircable section having a substantially fusiform configuration tapering towards said body rearward end and tapering forwardly towards both said thumb rest area and said indentation."

In opposition to this limitation, the handles shown in Dassaud, White and in Shamooin are not fusiform and instead define opposed top and bottom walls that are linked by side walls that are substantially planar and perpendicular to the top and bottom walls. In other words, instead of being fusiform, the handles presented in these documents are "box-like" with substantially flat side walls, which teaches away from a fusiform encircable section. Also, the Applicant respectfully submits that the handle shown in Silva is also not fusiform as it is substantially C shaped. Furthermore, a middle section of the handle shown in Silva has a cross-section that is teardrop-shaped (as seen from Fig. 4), which also teaches away from a fusiform encircable section.

The substantially fusiform shape of the claimed encircable section has many ergonomic advantages over the prior art handles as it conforms well the shape of the human hand. In addition, synergetic effects between the shape of the claimed indentation and of the shape of the encircable section allow an intended user to have both a pencil grip and a hammer grip onto the claimed handle, which has many ergonomic advantages, as described in further details hereinabove. Therefore, the applicant respectfully submits that the shape of the claimed handle, and more specifically of the encircable section, is not obvious in view of the previously mentioned documents and is also not a mere design choice.

Amended claim 17 includes the following limitation:

“- a sum of distances between said indentation surface nadir and said body longitudinal axis and between said thumb rest area nadir and said body longitudinal axis is about 45 percent or less of a sum of distances between said encircable section top and bottom apexes and said body longitudinal axis.”

Amended claim 19 includes the following limitation:

“a distance between said body top and bottom surfaces substantially adjacent said indentation is substantially smaller than a distance over which said handle extends in a direction substantially perpendicular to said body longitudinal axis and to a direction leading from said thumb rest area towards said indentation”

In opposition to the claimed invention, the handles shown in Sylva, White, Shamoon and Dassaud all have a width that is substantially smaller than their height adjacent an area in which the thumb and index finger of an intended user are typically received when the handles are in use. Also, all these handles “thin out” by less than 50 percent between their largest dimension in a region receiving the palm of an intended user and a region receiving the thumb and index finger of the intended user. Accordingly, the Applicant submits that the above-recited limitations of claim 17 and 19 are not taught by any of the documents mentioned hereinabove.

The limitations recited in claims 17 and 19 have an advantage over the prior art handles shown in the above-mentioned documents as they allow for the creation of a so-called pencil grip that allows relatively good control of the implement to which the handle is attached, as described in further details hereinabove. Having handles of a relatively large thickness and

relatively small width, as in the above-mentioned prior art document, creates an unstable grip between the thumb and index finger of an intended user. The applicant respectfully submits that the claimed invention alleviates these disadvantages.

It is respectfully submitted that when the rejection of the claims be reviewed in light of Applicant's arguments, the invention without a doubt should be considered patentably distinguished over the currently applied references. It is now believed the above application is in order for Allowance and such action would be appreciated.

Very Respectfully submitted.

A handwritten signature in cursive script, reading "Louis Tessier".

Louis Tessier, Reg. No. 45,289
Patent Agent